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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,792	03/15/2005	Magnus Maurex	1505-1067	9547

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EXAMINER	
KAYES, SEAN PHILLIP	

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,792

Applicant(s)

MAUREX ET AL.

Examiner

Sean Kayes

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/2005, initial filling.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 114 figure 5a:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
3. Claim 1 recites the limitation "generating a dynamic time code," however no method is disclosed for creating said dynamic code.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bianco (US 5291411.)
6. With respect to claim 1 Bianco discloses a method of determining a position and time with a dynamic code, comprising:
 - providing a time device (14 figure 5a and 12 figure 5b)

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- showing a time (102 figure 5b) and a date (102 figure 5b and column 4 lines 15-17),
- the time device having a unique identification number (76 figure 5a);
- generating a dynamic real time code (column 3 lines 52-61) by combining the time and the date shown by the time device and the identification number (76 figure 5a, 104 figure 5b and badge number column 3 lines 52-61); and
- sending the dynamic real time code (column 3 lines 52-61) to a receiver ("home computer" column 3 lines 52-61.)

7. With respect to claim 2 Bianco discloses the method according to claim 1 wherein the method further comprises generating the code in an encoding unit (100 figure 5a) prior to sending the code.

8. With respect to claim 3 Bianco discloses the method according to claim 1 wherein the method further comprises the receiver ("main computer" column 3 lines 52-61) unpacking the code in a decoding unit (column 3 lines 52-61) and determining the sending time and the date of the code (column 3 lines 52-61) and the identification number (76 figure 5a, 104 figure 5b and badge number column 3 lines 52-61); of the time device (14 figure 5a and 12 figure 5b.)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco (US 5291411) in view of Contractor (US 6831563.)

With respect to claim 4 Bianco discloses the method according to claim 1.

Bianco does not teach wherein the method further comprises sending the dynamic real time code as a telephone message by using a mobile telephone.

Contractor teach periodically sending a location signal through a wireless telephone network.

At the time of the invention it would have been obvious to one skilled in the art to configure Bianco's device to periodically download the stored time information to the main computer over a wireless telephone network as taught by Contractor. The suggestion or motivation for doing so would be to provide the information to the main computer without an officer having to return to the station.

11. With respect to claim 5 Bianco discloses the method according to claim 4 wherein the method further comprises the receiver ("main computer" column 3 lines 52-61.)

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Bianco does not teach determining an identity of the mobile telephone based on the telephone message.

Contractor teaches a telephone tracking system for tracking the movements of workers. Contractor's system works by sending telephone signals, which include user information such as location and identity. The information is then relayed to a main site including time, date, and employee information. The central site then creates a work schedule according to the information.

At the time of the invention it would have been obvious to one skilled in the art to modify Bianco's device to send the information stored in the mobile device (12 figure 5b) to the central site (main computer column 3 lines 52-61) by wireless telephone messaging as taught by Contractor. The suggestion or motivation for doing so would be to provide the information to the main computer without an officer having to return to the station.

12. With respect to claim 6 Bianco discloses the method according to claim 1 wherein the method further comprises the time device (12 figure 5b) generating a dynamic code based on a time, a date and a number (column 3 lines 52-61.)

Bianco does not teach wherein the device is a telephone.

Contractor teaches using a telephone to track movements of workers.

At the time of the invention it would have been obvious to one skilled in the art to construct Bianco's time device as a telephone, as taught by Contractor. The suggestion or motivation for doing so would be to allow the device to be used by officers who do not patrol in a car, such as foot and bike officers.

13. With respect to claim 7 Bianco and Contractor teach the method according to claim 6 wherein the method further comprises the telephone sending the code prior to sending a message to a receiver (microprocessor 100 figure 5b sends the signal to the memory, 106 figure 5b, prior to sending the message to the receiver "main computer" column 3 lines 52-61.)


14. With respect to claim 8 Bianco and Contractor teach the method according to claim 7 wherein the method further comprises the receiver ("main computer" column 3 lines 52-61 decoding the message in a decoding unit ("main computer" necessarily comprises a CPU.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
6/27/2007


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